



1623  
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of :  
Pal Maliga, et al. : Examiner: Not Yet Assigned  
Serial No. 10/663,241 : Group Art Unit: 1623  
Filed: September 16, 2003 :  
For: "PLASTID PROMOTERS FOR :  
TRANSGENE EXPRESSION IN :  
THE PLASTIDS OF HIGHER :  
PLANTS" :

Certificate of Mailing Under 37 CFR §1.8(a)

I hereby certify that this Correspondence is being deposited on August 19, 2004 with the United States Postal Service as first-class mail in an envelope properly addressed to COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450.

*Janice M. Nightlinger*  
Janice M. Nightlinger

REQUEST FOR LISTING OF REFERENCES

Applicant in the above-identified application is submitting herewith a Form PTO-1449 listing references that were considered and made of record in connection with Applicants' parent U.S. Application No. 09/445,283, filed December 3, 1999.

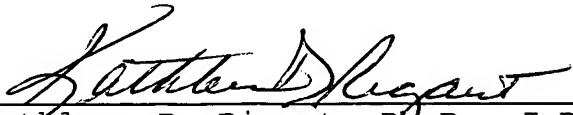
It is respectfully requested that the references included in the Form PTO-1449 submitted herewith be listed on the face of the patent granted on the above-identified application, in accordance with the following provisions of §609 of the Manual of Patent Examining Procedure:

[T]he examiner will consider information which has been considered by the Office in a parent application when examining (A) a continuation application filed under 37 CFR 1.53(b) or filed under former 37 CFR 160, (B) a divisional application filed under 37 CFR 1.53(b) or filed under form 37 CFR 1.60, or (C) a continuation-in-part application filed under 37 CFR 1.53(b). Such information need not be resubmitted in the continuing application unless applicant desires the information to be printed on the patent.

In the event any fee is due in connection with the consideration of this request, the Commissioner is authorized to charge any such fee to the account of the undersigned attorneys, Deposit Account No. 04-1406.

Respectfully submitted,

DANN DORFMAN HERRELL and  
SKILLMAN, P.C.  
Attorneys for Applicant

By   
Kathleen D. Rigaut, Ph.D., J.D.  
Registration No. 43,047

KDR:jmn  
Enclosure

Telephone: 215-563-4100  
Facsimile: 215-563-4044  
Customer No. 000110

|   |  |                                 |                         |
|---|--|---------------------------------|-------------------------|
| FORM PTO-1449                                       | U.S. DEPARTMENT OF COMMERCE<br>PATENT AND TRADEMARK OFFICE | ATTY. DOCKET NO.<br>RUT.97-0097 | APPL. NO.<br>09/445,283 |
| INFORMATION DISCLOSURE<br>STATEMENT BY APPLICANT(S) |  | APPLICANT<br>Pal Maliga, et al  |                         |
| (Use several sheets if necessary)                   |  | FILING DATE<br>December 3, 1999 | GROUP<br>1638           |

## U.S. PATENT DOCUMENTS

| Examiner<br>Initial | DOCUMENT NUMBER | DATE          | NAME           | CLASS | SUB<br>CLASS | FILING DATE<br>IF APPROPRIATE |
|---------------------|-----------------|---------------|----------------|-------|--------------|-------------------------------|
| A1                  | 5 8 7 7 4 0 2   | 03/02<br>1999 | Maliga, et al. |       |              | 01/31/94                      |
|                     |                 |               |                |       |              |                               |

## FOREIGN PATENT DOCUMENTS

| DOCUMENT NUMBER                                    | DATE                       | COUNTRY | CLASS | SUB<br>CLASS | TRANSLATION<br>YES<br>NO |
|--|----------------------------|---------|-------|--------------|--------------------------|
| B1<br>Pub. No. 0 251 654 A2<br>App. No. 87305573.5 | Filing<br>date<br>06/23/87 | EPO     |       |              |                          |
|  |                            |         |       |              |                          |
|  |                            |         |       |              |                          |

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

|    |   |
|----|---|
| C1 | Gabor L. Igloi, et al. Nucleotide sequence of the maize chloroplast <i>rpo B/C<sub>1</sub>/C<sub>2</sub></i> operon: Comparison between the derived protein primary structures from various organisms with respect to functional domains - Mol Gen Genet (1990) 221:379-394 |
| C2 | Wilhelm Gruissem, et al., Analysis of promoter regions for the spinach chloroplast <i>rbcL</i> , <i>atpB</i> and <i>psbA</i> genes - The EMBO Journal Vol. (1985) 4, No. 13A, 3375-3383   |
| C3 | Christopher D. Rock, et al. The maize plastic <i>psbB-psbF-petB-petD</i> gene cluster: spliced and unspliced <i>petB</i> and <i>petD</i> RNAs encode alternative products - Curr Genet (1987) 12:69-77  |
| C4 | Zs. Schwarz, et al. The primary structure of 16S rDNA from Zea mays chloroplast is homologous to E. coli 16S rRNA - Nature Vol. 283 21 February 1980  |
| C5 | Alan D. Blowers, et al. Transcriptional Analysis of Endogenous and Foreign Genes in Chloroplast Transformants of <i>Chlamydomonas</i> - The Plant Cell (Nov. 1990) 2, 1059-1070   |
| C6 | Guang-Ning Ye, et al. Optimization of delivery of foreign DNA into higher-plant chloroplasts - Plant Molecular Biology (1990) 15:809-819  |
| C7 | Jeffrey M. Staub, et al. Accumulation of D1 polypeptide in tobacco plastids is regulated via the untranslated region of the <i>psbA</i> and mRNA - The EMBO Journal (1993) Vol. 12, No. 2, 601-606  |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

|   |  |                                 |                         |
|---|--|---------------------------------|-------------------------|
| FORM PTO-1449                                       | U.S. DEPARTMENT OF COMMERCE<br>PATENT AND TRADEMARK OFFICE | ATTY. DOCKET NO.<br>RUT.97-0097 | APPL. NO.<br>09/445,283 |
| INFORMATION DISCLOSURE<br>STATEMENT BY APPLICANT(S) |  | APPLICANT<br>Pal Maliga, et al  |                         |
| (Use several sheets if necessary)                   |  | FILING DATE<br>December 3, 1999 | GROUP<br>1638           |

## U.S. PATENT DOCUMENTS

| Examiner<br>Initial | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB<br>CLASS | FILING DATE<br>IF APPROPRIATE |
|---------------------|-----------------|------|------|-------|--------------|-------------------------------|
|                     |                 |      |      |       |              |                               |
|                     |                 |      |      |       |              |                               |
|                     |                 |      |      |       |              |                               |
|                     |                 |      |      |       |              |                               |

## FOREIGN PATENT DOCUMENTS

| DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB<br>CLASS | TRANSLATION<br>YES<br>NO |
|-----------------|------|---------|-------|--------------|--------------------------|
|                 |      |         |       |              |                          |
|                 |      |         |       |              |                          |
|                 |      |         |       |              |                          |
|                 |      |         |       |              |                          |

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

|     |   |
|-----|---|
| C8  | Adrian K. Clarke, et al. Identification and expression of the chloroplast <i>c1pP</i> gene in the conifer <i>Pinus contorta</i> - Plant Molecular Biology (1994) 26: 851-862  |
| C9  | J.C. Gray, et al. Nucleotide sequence of a wheat chloroplast gene encoding the proteolytic subunit of an ATP-dependent protease - Plant Molecular Biology (1990)15: 947-950   |
| C10 | Eric Sun, et al. In Vitro Analysis of the Pea Chloroplast 16S rRNA Gene Promoter - (Dec. 1989) Vol. 9, No. 12, 5650-5659  |
| C11 | H. Daniell, et al. Transient Expression of $\beta$ -glucuronidase in different cellular compartments following biolistic delivery of foreign DNA into wheat leaves and calli. - Plant Cell Reports (1991) 9:615-619 |
|     |   |
|     |   |
|     |   |
|     |   |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.